

1 **Marshall Meyers (020584)**  
2 **WEISBERG & MEYERS, LLC**  
3 **5025 North Central Ave., #602**  
4 **Phoenix, AZ 85012**  
5 **602 445 9819**  
6 **866 565 1327 facsimile**  
7 **mmeyers@AttorneysForConsumers.com**  
8 **Attorney for Plaintiff**

9 **UNITED STATES DISTRICT COURT**  
10 **FOR THE DISTRICT OF ARIZONA**

11 **BRYAN NICHOLS,** ) Case No.  
12 )  
13 Plaintiff, ) **COMPLAINT**  
14 )  
15 vs. )  
16 )  
17 **GC SERVICES, LP** )  
18 )  
19 Defendant. )  
20 )  
21 )  
22 )

23 **I. INTRODUCTION**

24 1. This is an action for damages brought by an individual consumer for  
25 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et*  
26 *seq.* (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive,  
27 deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of privacy  
28 ancillary to Defendant's collection efforts.

29 **II. JURISDICTION**

30 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

31 **III. PARTIES**

32 3. Plaintiff, Bryan Nichols, is a natural person residing in Maricopa County.

33 4. Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a(3).

1           5. Defendant, GC Services, LP, is a corporation engaged in the business of  
2 collecting debts by use of the mails and telephone, and Defendant regularly attempts to  
3 collect debts alleged to be due another.  
4

5           6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §  
6 1692a(6) trying to collect a “debt” as defined by 15 U.S.C. §1692(a)(5).  
7

#### 8                                   **IV. FACTUAL ALLEGATIONS**

9           7. At various and multiple times prior to the filing of the instant complaint,  
10 including within the one hundred twenty days preceding the filing of this complaint,  
11 Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt.  
12 Defendant’s conduct violated the FDCPA in multiple ways, including but not limited to:  
13

14               a) Failing to notify Plaintiff of his rights pursuant to 15 USC § 1692g(a),  
15 including failure to notify Plaintiff of his right to dispute the debt (§  
16 1692g(a)(3)(4)(5));  
17

18               b) Continuing to contact Plaintiff and Plaintiff’s family after receiving a letter  
19 requesting that Defendant cease and desist all collection contacts (§  
20 1692c(c));  
21

22               c) Communicating with Plaintiff at times known to be inconvenient,  
23 including contacting Plaintiff prior to 8:00 am local time for Plaintiff and  
24 after 9:00 pm local time for Plaintiff (§ 1692c(a)(1));  
25

26               d) Communicating with Plaintiff at his place of employment after Plaintiff  
27 had notified Defendant that such calls were inconvenient (§ 1692c(a)(1));  
28

1 e) Attempting to levy and administrative garnishment against Plaintiff  
2 without giving Plaintiff notice and an opportunity for a hearing (§ 1692d));  
3 and ,  
4

5 f) Disclosing details of Plaintiff's debt to third parties by faxing validation  
6 of the debt directly to the facsimile machine at Plaintiff's office (§ 1692c(b)  
7 & § 1692b & § 1692d)).  
8

9 8. Defendant's aforementioned violations of the FDCPA also constitute an  
10 invasion of Plaintiff's right to privacy, causing injury to Plaintiff's feelings, mental  
11 anguish and distress.  
12

13 9. Defendant's aforementioned violations of the FDCPA also constitute an  
14 intentional intrusion into Plaintiff's private places and into private matters of Plaintiff's  
15 life, conducted in a manner highly offensive to a reasonable person. With respect to  
16 these activities of Defendant, Plaintiff had a subjective expectation of privacy that was  
17 objectively reasonable under the circumstances.  
18

19 **COUNT I: VIOLATION OF FAIR DEBT**  
20 **COLLECTION PRACTICES ACT**  
21

22 10. Plaintiff reincorporates by reference all of the preceding paragraphs.  
23

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Plaintiff respectfully prays that judgment be entered against the  
26 Defendant for the following:

27 A. Declaratory judgment that Defendant's conduct  
28 violated the FDCPA;

- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

**COUNT II: COMMON LAW INVASION OF PRIVACY BY INTRUSION**

11. Plaintiff reincorporates by reference all of the preceding paragraphs.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Actual damages
- B. Punitive Damages; and,
- C. For such other and further relief as may be just and proper.

**PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

Respectfully submitted this 13<sup>th</sup> day of August, 2008.

By: s/ Marshall Meyers  
Marshall Meyers (020584)  
WEISBERG & MEYERS, LLC  
5025 North Central Ave., #602  
Phoenix, AZ 85012  
602 445 9819  
866 565 1327 facsimile  
mmeyers@AttorneysForConsumers.com  
Attorney for Plaintiff